IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12223 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KARAKTHAL MILK PRODUCERS COOPERATIVE SOCIETY LTD.

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 12223 of 2004

MR PS CHAMPANERI for Petitioner No. 1

DS AFF.NOT FILED (N) for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 24/09/2004

ORAL JUDGEMENT

#. Rule. Ms.Archana Raval, learned AGP waives service

of rule for respondent nos.1 to 4 and Mr.B.S.Patel, learned advocate, waives service of rule for the newly added party, i.e. respondent nos.5 to 10.

#. With the consent of the learned advocates for the parties, the matter is taken up for hearing today.

#. In this petition filed under Article 226 of the Constitution of India, the petitioner has challenged the legality and validity of the order passed by the District Registrar, Cooperative Societies, Ahmedabad District (Rural) dated 16.9.2004 and also the order dated 20.9.2004 passed by the Deputy Secretary (Appeal), Cooperative Societies, Gujarat State in Revision Application No.141 of 2004.

#. There is consensus arrived at between the parties, more particularly, the petitioner society and respondent nos.5 to 10 to the effect that the order passed by the District Registrar, Cooperative Societies, Ahmedabad District (Rural) dated 16.9.2004 and also the order dated 20.9.2004 passed by the Deputy Secretary (Appeal), Cooperative Societies, Gujarat State in Revision Application No.141 of 2004 be quashed and set aside, as, it is agreed between the parties that let the District Registrar, Cooperative Societies, Ahmedabad District (Rural) call the meeting of the General Body of the petitioner society as early as possible under his supervision and/or under the supervision of the officer nominated by him and the election of the managing committee of the petitioner society be held. Accordingly the aforesaid order passed by the District Registrar, Cooperative Societies, Ahmedabad District (Rural) dated 16.9.2004 and also the order dated 20.9.2004 passed by the Deputy Secretary (Appeal), Cooperative Societies, Gujarat State in Revision Application No.141 of 2004 are quashed and set aside. The District Registrar, Cooperative Societies, Ahmedabad District (Rural) is directed to call and convene the meeting of the General Body of the petitioner cooperative society for the purpose of holding of the election of the managing committee of the said society within a period of 15 days from today and the election of the management committee of the petitioner society be held either under his supervision or under the supervision of the officer nominated by him. Until then, all the parties are directed to maintain status quo as on today.

#. In view of the aforesaid direction, now the revision application which is pending before the Deputy Secretary (Appeal) would not survive and the petitioner undertakes

to withdraw the said revision application.

#. In view of the above, this petition is allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(M.R.Shah,J)

(pathan)